



In the matter of the  
Nunavut Land Claims Agreement,  
*Nunavut Land Claims Agreement Act, S.C., 1993, c. 29*  
Article 12, Part 5

And

In the matter of an application by  
Agnico Eagle Mines Limited  
for Mine Development of the  
Meadowbank Gold Mine Project Proposal  
in the  
Kivalliq Region of Nunavut

**NIRB PROJECT CERTIFICATE [NO.: 004]**

**December ??, 2018**

## Schedule of Amendments to the Nunavut Impact Review Board's Meadowbank Project Certificate [004]

Amendment Number	Date of Amendment	Type of Amendment
001	November 20, 2009	Amendment of Project Certificate to reflect modification associated with the all-weather access road and Proponent Project Name Change
002	August 12, 2016	Amendment of Project Certificate to reflect development of Vault Pit Expansion Project <ul style="list-style-type: none"> <li>Remove #48</li> <li>Update #49 and 53</li> </ul>
003	December ??, 2018	Amendment of Project Certificate to reflect modification of in-pit tailings disposal <ul style="list-style-type: none"> <li>New commentary to #9, 19, and 20</li> <li>Add #87</li> </ul>

## 1.0 Whereas:

- A. Pursuant to the Nunavut Land Claims Agreement (“NLCA”), the Board has considered the information submitted by Cumberland Resources Ltd. (Cumberland or Meadowbank Mining Corporation (“MMC”)) and has performed an environmental impact review of the Meadowbank Gold Project;
- B. The Board has considered the list of commitments made by MMC and assumes these commitments which are set out in Appendix A of the Final Hearing report will all be fulfilled;
- C. The Board has determined, pursuant to Article 12.5.5 of the Agreement, that, taking into account the implementation of the mitigative measures proposed by MMC and set out in the conditions to this certificate, this project proposal, is not likely to cause significant adverse environmental effects;
- D. The Board has found, pursuant to Article 12.5.5 of the Agreement and taking into account all matters relevant to its mandate including Article 12.2.5 of the NLCA, that the Meadowbank Gold Project will enhance and protect the existing and future well being of the residents and communities of the Nunavut Settlement Area; and
- E. The Board has received approval for its Recommendation and project specific Terms and Conditions as found in the NIRB Final Hearing Report to the Minister.
- F. Following the issuance of the original Project Certificate, in early 2007 Agnico Eagle Mines Ltd. (Agnico Eagle or AEM) purchased the project from Cumberland Resources Ltd.
- G. On July 29, 2008 Agnico Eagle applied under Article 12, Section 12.8.2 of the Agreement to the NIRB to reconsider Term and Condition 32 of the Project Certificate that required access to the road to be prevented by having two locked gates at the ends of the road, seeking to replace the gates with a manned gatehouse. At the same time, the Hamlet of Baker Lake requested that the Board also reconsider the restrictions on the road under Term and Condition 32 that required the road to be operated as a closed private access road that accommodates the needs of local hunters to continue their traditional pursuits. After considering these requests through an in-person Public Hearing, the Board recommended Term and Condition 32 be reworded to allow for controlled public access to the road.
- H. On July 28, 2014 Agnico Eagle applied to the NIRB to reconsider the terms and conditions in the Project Certificate to allow additional activities to be carried out related to the Vault Pit Expansion Project Proposal. After conducting a thorough assessment of the potential ecosystemic and socio-economic effects of the Vault Pit Expansion Project Proposal under Article 12, Section 12.8.2 of the Agreement, the Board recommended that the Vault Pit Expansion Project be allowed to proceed subject to the modification of the Project Certificate; specifically Terms and Conditions 49 and 53, as well as the removal of Term and Condition 48.
- I. Recognizing the importance of co-ordination, integration and avoiding duplication with other monitoring requirements in permits, licences and other authorizations, the project-specific monitoring program, provided as Appendix D to this Project Certificate (as amended), will be issued in amended form after key regulatory authorizations, including land use permits, water licences and mineral leases, are issued for the Vault Pit Expansion Project Proposal.

## 2.0 Procedural (Project) History

On March 31, 2003, Cumberland Resources Ltd (the “Proponent” or “Cumberland”) submitted its Project Description Report for the Meadowbank Gold Project (the “Project” or “Meadowbank”) to the Nunavut Impact Review Board (“NIRB” or the “Board”). Following receipt of the Proponent’s application, on September 23, 2003 the Board sent its Screening Decision to then-Minister Robert Nault of the Department of Indian Affairs and Northern Development and proposed a review under Part 5 or 6 of Article 12 of the Nunavut Land Claims Agreement (“NLCA”). In reply, on December 3, 2003, Minister Nault referred the Project to the NIRB for a Part 5 Review.

On December 18, 2003 NIRB circulated the Draft Environmental Assessment Guidelines for the Project to the Distribution List. On February 20, 2004, the Board provided the Proponent with the Final Environmental Assessment Guidelines (the “EIS Guidelines”) for the Project and advised the Proponent that a Draft Environmental Impact Statement (“DEIS”) based on the EIS Guidelines was expected.

The Proponent filed the DEIS on January 4, 2005. A Conformity Review of the DEIS was undertaken by NIRB. NIRB solicited input from the Distribution List and comments were received from Indian and Northern Affairs Canada (“INAC”), Department of Fisheries and Oceans Canada (“DFO”), Environment Canada (“EC”), Natural Resources Canada (“NRCan”), Health Canada (“HC”), Transport Canada (“TC”), Government of Nunavut (“GN”) Department of Environment (“GN-DOE”) and Department of Economic Development and Transportation (“GN-EDT”), Kivalliq Inuit Association (“KivIA”), the Athabasca Denesuline Negotiation Team, and the Manitoba Denesuline. In order to discuss the DEIS and the NIRB review process with the public, public meetings and consultations were held in Chesterfield Inlet, Baker Lake, and Rankin Inlet in February and April 2005 by NIRB’s Hearing Coordinator.

On March 8, 2005 the Proponent advised that their feasibility study resulted in adjustments to the Project design, including an increase in mine throughput tonnage, changes to the water tailings discharge, and a recommendation for a 102 kilometre long all-weather access road from the Hamlet of Baker Lake to the mine site.

On March 21, 2005, the NIRB advised the Proponent that the DEIS generally conformed to the EIS Guidelines, meaning that the DEIS captured many, but not all, of the requirements set out in the EIS Guidelines. Detailed information on the deficiencies to be addressed prior to the technical review of the Project was provided to the Proponent. In addition, NIRB advised the Proponent that if the Project changes resulting from the Proponent’s feasibility study affected the original Nunavut Planning Commission (“NPC”) Conformity Determination, NIRB may cease the review process until the NPC review is complete.

On March 23, 2005, NIRB received notice that the Proponent proposed field investigation work for the all-weather road. NIRB consulted with KivIA, Nunavut Tunngavik Inc. (NTI), GN-DOE, INAC and Transport Canada. On April 25, 2005, NIRB invoked section 12.10.25(b) of the NLCA and exempted, subject to Terms and Conditions, the Proponent’s related Land Use Application in order to allow the road field investigation work to proceed.

On April 4, 2005, and April 30, 2005, the Proponent submitted Conformity Submissions to address deficiencies and provide clarification in the DEIS. On May 5, 2005, NIRB determined that the Proponent’s DEIS, supporting documents and Conformity Submissions sufficiently conformed to NIRB’s Final Guidelines to set the particulars for the Technical Meeting and Pre-Hearing Conference (“PHC”).

On June 2 and 3, 2005, NIRB held a Technical Meeting with the Proponent, NIRB staff, representatives of INAC, DFO, NRCAN, EC GN-DOE, NTI and KivIA, and NIRB's independent consultant Hatch-Acres Incorporated ("Hatch-Acres"). The purpose of the meeting was to resolve outstanding technical issues prior to the PHC.

On June 6 and 9, 2005, the Board conducted the PHC in the communities of Baker Lake, Chesterfield Inlet and Rankin Inlet to hear arguments on nine issues. On July 14, 2005, the Board issued a PHC Decision which provided Cumberland with specific direction on requirements for the Final Environmental Impact Statement (FEIS), including a list of 107 commitments Cumberland made during the Technical Meeting. Subject to direction from the Minister, the Board also decided the all-weather road was included in this Part 5 review, and that the Final Hearing was not to take place until the NPC released a positive conformity decision regarding the all-weather road. Further, the PHC decision determined administrative details for the FEIS technical review and the potential final hearing. The schedule for filing the FEIS was left to Cumberland.

On September 7, 2005, the then-Honourable Andy Scott, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, advised in a letter to the Board that he was "satisfied that including the all-weather road in the current Part 5 review will result in a thorough and comprehensive assessment of the entire Project."

In his letter of September 7, 2005, then-Minister Scott further directed the Board as follows:

Pursuant to Section 12.5.1 of the Nunavut Land Claims Agreement, I would like to identify a particular issue for the Board to consider. An all-weather road of this scale would be the first of its kind in Nunavut. Given the fact that the road is connected to the community of Baker Lake, it is essential that the environmental and socio-economic effects of its construction, use and eventual abandonment, be fully considered as well as possible future options for the road.

Cumberland submitted the FEIS to NIRB on November 8, 2005. NIRB's internal conformity review focused on the new content in the FEIS ensuring it responded to the direction provided by the Board in the PHC decision. The internal conformity review found that the FEIS *did not* conform to the PHC decision and that an addendum would be required. To address the deficiencies, NIRB set out a process for parties to identify their FEIS concerns, information requests and exchanges, and an FEIS Conformity Meeting was scheduled with all of the parties on December 15, 2005. NIRB also set the dates of the Final Hearing for the week of April 2, 2006 in Baker Lake, Chesterfield Inlet and Rankin Inlet. On November 28, 2005, Cumberland requested the timeline for the Final Hearing be compressed. NIRB requested submissions on the proposal for the compressed timeline from the Distribution List. Submissions were received from NTI, KivIA, INAC, NRCAN, DFO, TC, HC, EC, and GN-Department of Executive and Intergovernmental Affairs. On December 5, 2005, Cumberland responded to the submissions from the Distribution List for a compressed timeline for a Final Hearing. After considering all of the submissions, NIRB changed the dates of the Final Hearing to the week of March 27th, 2006.

On December 15, 2005, Cumberland submitted a supplemental FEIS submission to address the deficiencies identified in NIRB's conformity review. In that submission Cumberland advised NIRB that on December 14, 2005, Cumberland corresponded with INAC, KivIA, GN, and the Hamlet of Baker Lake inquiring specifically about these organizations' interest in the regulation of the all-weather road and in the future of the all-weather road after the Project is completed.

On December 20, 2005, NIRB determined that the FEIS conformed to the Board's PHC Decision, contingent upon Cumberland providing NIRB with the results of any expressions of interest in the regulation of the all-weather road and in future involvement with the road and Cumberland submitting a revised response, if appropriate, by February 10, 2006. NIRB confirmed the general procedures for the Final Hearing and determined that Final Hearing written submissions and presentations be organized by technical topics generally corresponding to the Valued Ecosystem Components (VECs) identified by Cumberland in the FEIS. NIRB also established a process for an information request period. NIRB received a total of 96 information requests ("IRs") and of those requests NIRB approved 92 for Cumberland's response. On February 10, 2006, Cumberland provided a revised response regarding the regulation of the all-weather road and future involvement with the road. Cumberland, with copies to NIRB, responded directly to the various IRs of each party and provided additional information to the parties prior to the Final Hearing.

As part of its mandate, and to promote public awareness and meaningful participation at the Final Hearing, NIRB organized community information sessions with interested residents and local organizations in Baker Lake, Chesterfield Inlet and Rankin Inlet between the dates of February 15 and 24, 2006. NIRB also used the media to notify the public of the Final Hearing, including placing posters in Baker Lake, Chesterfield Inlet and Rankin Inlet, advertising in Nunatsiaq News, Kivalliq News, and News North from March 21<sup>st</sup> to March 31<sup>st</sup> and simultaneously advertising on the cable channels in those three communities.

The Final Hearing was held March 27<sup>th</sup> to 29<sup>th</sup> in Baker Lake, March 30<sup>th</sup> in Chesterfield Inlet and March 31<sup>st</sup> in Rankin Inlet. At the end of the Hearing, following final remarks by Cumberland, the Board directed that the record remain open. On April 24, 2006, the Board requested Cumberland provide within 90 days more detailed information on three key topics:

1. All-weather road;
2. Socio-economic impacts; and
3. Consultation with Chesterfield Inlet Residents.

Cumberland replied to the Board's April 24, 2006, request, on June 12, 2006. On June 13, 2006 the Board issued instructions to all other Parties for providing written submissions in reply to the information provided by Cumberland and the comment regarding the format by which the Board should continue the Hearing, by July 7, 2006.

On July 7, 2006, NIRB requested Cumberland's response to the written submissions of the other Parties by July 11, 2006. Cumberland responded on July 11, 2006, to the other parties written submissions regarding the matters set out by the Board on April 24, 2006 and on July 14, 2006, and to the written submissions regarding the temporary explosives factory license.

On July 12, 2006, NIRB advised the Parties that the Hearing would be completed by written submissions. NIRB set out the process for the NIRB's final questions to the Parties, the Parties responses to the NIRB's final questions, updating of the commitment list by Cumberland, and the submission of closing remarks on the following five outstanding issues:

1. All-weather road;
2. Socio-economic impacts;
3. Consultation with Chesterfield Inlet Residents;
4. Temporary Explosives Factory; and
5. Identification of gaps in Cumberland's list of commitments.

On September 3, 2006, legal counsel for Cumberland wrote to NIRB requesting that any project certificate developed for Meadowbank Gold Project be issued in the name of the “Meadowbank Mining Corporation” (MMC), a wholly owned subsidiary of Cumberland Resources Ltd. On November 16, 2006, counsel again wrote to NIRB advising the Board that effective October 31, 2006, the Meadowbank Mining Corporation was registered as a company in Nunavut. On November 30, 2006, NIRB responded to counsel and copied the Meadowbank Distribution List, proposing to draft the Project Certificate in the name of Meadowbank Mining Corporation, a wholly owned subsidiary of Cumberland Resources Ltd. Unless NIRB received any objections in writing from Parties on or before December 7, 2006. As of December 7, 2006, NIRB did not receive any objections and proceeded as proposed. On December 22, 2006 NIRB issued a letter to Cumberland informing Cumberland that no objections were received by the NIRB and that the Board would further comment on the matter in its cover letter to the Project Certificate when it was issued.

Following Agnico Eagle’s July 28, 2014 submission to the Board requesting a reconsideration of the Meadowbank Project Certificate to allow expansion of Vault Pit operations into Phaser Lake and to allow for the development of two additional pits, Phaser Pit and BB Phaser Pit, the board held a Public Hearing to ensure that the additional impacts of the new activities were considered. The Board recommended that the project be allowed to proceed, and following the Minister’s agreement with that decision, the NIRB issued amended Project Certificate on August 12, 2016.

Subsequently Agnico Eagle submitted another amendment application to the Nunavut Planning Commission for changes to the management of tailings from the previously approved Meadowbank Tailings Storage Facility to allow for in-pit disposal and on March 22, 2018 the proposal was referred to the NIRB for assessment. The NIRB held teleconference technical meetings on June 12, 2018 to discuss impacts of the modification with regulatory authorities including the Regional Inuit Organization, and provided parties opportunities to provide technical feedback on the modification and its associated impacts. After determining that any further technical issues could be adequately handled through the licensing process, the Board provided its decision to the Responsible Ministers recommending that the project be allowed to proceed. The Ministers accepted the Board’s recommendation and included an additional term and condition to inform the handling of these outstanding technical issues through the amendment to the project’s Water Licence, and as such the Project Certificate was updated.

### **3.0 Flexibility and Implementation of Project Certificate**

In certain circumstances, NIRB has the authority to reconsider the Terms and Conditions of the Project Certificate to ensure that the terms and conditions are achieving their purpose. For example, NIRB may revisit this certificate if NIRB feels the terms and conditions are not achieving their purpose.

If there is a problem for whatever reason in the implementation of these terms and conditions, the KivIA may at any time seek a determination before the appropriate court as to whether or not any term and condition of this project certificate has been implemented. Any person or body that the court deems appropriate may seek the same remedy.

Further, to the extent that project related activities have already been conducted by the Proponent as of the date of issue of this Project Certificate, and to the extent that expected undertakings and commitments as listed in Appendix A have come into effect, NIRB’s authority under Section 12.8.2 of the NLCA can be invoked as follows:

“NIRB may on its own account or upon application by a DIO, the proponent, or other interest, reconsider the terms and conditions contained in the NIRB certificate if it is established that:

- a. The terms and conditions are not achieving their purpose;
- b. The circumstances relating to the project or the effect of the terms and conditions are significantly different from those anticipated at the time the certificate was issued; or
- c. There are other technological developments or new information which provides a more efficient method of accomplishing the purpose of the terms and conditions.”

This Project Certificate is implemented in accordance with the reviewability section in the NLCA (Section 12.9.7):

“A licence, permit, certificate or other governmental approval which implements or incorporates any term or condition of a NIRB project certificate may not be called into question in a court of law on the grounds that the issuing agency thereby fettered its discretion or otherwise acted without jurisdiction, when implementing any term and condition of a NIRB project certificate.”

**Now therefore, the Nunavut Impact Review Board pursuant to Article 12, Sections 12.5.12, and subsequently Sections 12.8.2 and 12.8.3 of the Nunavut Land Claims Agreement, and (as applicable to the In-Pit Tailings Disposal Modification), also pursuant to Section 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c.14, s.2, issues this amended Project Certificate to Meadowbank Mining Corporation subject to the terms and conditions that follow.**

### **3.1 Overview of the NIRB Monitoring Program**

As set out in Article 12, Sections 12.7.1 and 12.7.2 of the NLCA the NIRB has the jurisdiction to establish a project-specific monitoring program to: measure the ecosystemic and socioeconomic effects of a project; assess whether the project is in compliance with the prescribed project terms and conditions; share information with regulatory agencies to support the enforcement of land, water or resource use approvals and agreements; and to assess the accuracy of predictions contained in the environmental impact statements. The role of the Board with respect to the establishment of monitoring programs is to focus the terms and conditions in relation to the Project. With respect to existing or future general regional and territorial monitoring programs that may include some of the same monitoring parameters/indicators as the project-specific monitoring program, the NLCA also directs the NIRB to avoid duplication but facilitate co-ordination and integration between the project-specific monitoring programs required by the NIRB and more general programs such as the Nunavut General Monitoring Program. Where the requirements of regional or territorial programs are more extensive or substantively different than those established through the project certificate, at all times the Proponent must ensure compliance with the project certificate terms and conditions.

In order to co-ordinate, integrate and avoid duplication with other monitoring programs, but also to ensure that the NIRB’s project-specific monitoring program yields the information required to measure effects and adequately assess compliance with terms, conditions, regulatory instruments and agreements, the NIRB’s monitoring program is developed after consultation with responsible authorities, the resource and land owners and the proponent following a Regulators’ Meeting that

typically occurs within several weeks after the responsible Minister has issued a decision that the Project can proceed to obtain regulatory authorizations and providing the Minister's direction regarding recommended terms and conditions. A short time after the Regulators' Meeting, the NIRB issues the project certificate, but the project-specific monitoring program, which is usually issued as an Appendix to the project certificate may not be issued in final form until some months after key regulatory authorizations, including land use permits, water licences, mineral leases, etc. are issued so that the monitoring program supplements and supports, and does not duplicate, the monitoring requirements in regulatory and land use instruments. Appendix D – Meadowbank Monitoring Program was issued to Agnico Eagle Mines Ltd. on July 14, 2011 following consultation with regulatory parties.

It is important to remember that the NIRB's monitoring program will have varying requirements over the course of the Project lifecycle, and that monitoring requirements will apply from construction to eventual abandonment and reclamation. In areas where there may be a need for flexibility in relation to the terms and conditions of the project certificate or their application, the NIRB has endeavoured to reflect this in the associated language and/or acknowledge that objectives may be achieved through various means. In addition, in the event that the monitoring program needs to be modified to better achieve its purpose, the Board, the Proponent, the Designated Inuit Organization or other interested parties may cause the Board, under Section 12.8.2 of the NLCA to revisit the monitoring program, or any other terms and conditions in the NIRB project certificate.

### **3.2 General Principles of Interpretation Applicable to Terms and Conditions:**

In order to view the project-specific terms and conditions set out within this Project Certificate in the appropriate context, the following general principles of interpretation apply to the Project Certificate in its entirety, with all terms and conditions being interpreted in accordance with:

- a. The NIRB's Final Hearing Report (namely NIRB File No.: 03MN107, Final Hearing Report for the Meadowbank Gold Project Proposal, August 2006 available from the NIRB's online public registry);
- b. The NIRB's Public Hearing Reports: namely NIRB File No.: 03MN107, Public Hearing Report for the reconsideration of Term and Condition #32 (June 2009); and NIRB File No.: 03MN107, Public Hearing Report for the Vault Pit Expansion Project (April 2016) (both available from the NIRB's registry);
- c. The rights, responsibilities, authorities and jurisdiction granted under the Nunavut Land Claims Agreement (NLCA);
- d. The limits and obligations imposed under laws of general application applicable to the Proponent or any party referred to in the term and condition, as those laws may be amended over time (e.g. privacy legislation, worker's health and safety, etc.);
- e. The specific jurisdictional and policy limits applicable to authorizing agencies, Nunavut Tunngavik Incorporated, the Kivalliq Inuit Association, or other regulatory authority with jurisdiction in respect of the Project or Projects governed by this Project Certificate; and
- f. Where terms and conditions include specific references to items that must be taken into consideration or included in work plans, etc. these specific references are intended to establish minimum expectations but are not intended to limit the Proponent or prevent the

Proponent from undertaking additional measures beyond those expressly prescribed in such terms and conditions.

### **3.3 Enforcement:**

As noted in Section 12.10.3, where the terms and conditions of the Project Certificate are implemented or incorporated by reference into permits, certificates, licences or other governmental approvals, the enforcement of the terms and conditions included in that authorization remains with the agency responsible for the authorization (i.e. Authorizing Agency). In addition, under Part 8, Article 12 of the NLCA, if the Board determines that these terms and conditions are not achieving their purpose for any reason, including instances of significant non-compliance, the NIRB may revisit the terms and conditions contained in the Project Certificate.

### **4.0 Project Specific Terms and Conditions:**

It is noted that all terms and conditions as listed below apply to the Meadowbank Gold Mine Project while the following terms and conditions apply to the Vault Pit Expansion Project: 3 through 7, 11, 13, 14, 23, 26, 27, 49 (revised), 53 (revised) 60, 63, 64, 65, 69, 70, 74, 75, 78 through 80, and 85.

The NIRB further notes the removal of term and condition #48 from Project Certificate No. 004 for the Meadowbank Gold Mine Project, as it will no longer be applicable given the associated Vault Pit Expansion Project:

In addition to the project specific terms and conditions below, Agnico Eagle Mines Ltd. (AEM; *noted as Meadowbank Mining Corporation in the original Project Certificate*) must obtain and comply with all applicable licenses, orders, permits, directions, which may result from but not be limited to, legislation identified in Appendix B and C.

In the event of a conflict between Cumberland's Commitments from the Final Hearing (Appendix A) and the Terms and Conditions of the Project Certificate, the Terms and Conditions of the Project Certificate prevail. Also, in the event of a conflict with the "Commentary" and the Terms and Conditions, the Terms and Conditions prevail. (The "Commentary" is not to be construed as legally binding).

AEM (*noted as MMC in the original Project Certificate*) will be involved in the monitoring program as found in Appendix D to this project certificate. Appendix D will be provided by NIRB within six (6) months of issuance of all regulatory authorizations.

The following terms and conditions reference Cumberland as the Proponent. However, in light of AEM's acquisition of the Meadowbank Gold Mine Project through its purchase of Cumberland Resources Ltd in 2007 and the change in the Proponent name on Project Certificate No. 004 on November 20, 2009, the references to Cumberland Resources in the following terms and conditions apply to AEM.

### **Proponent's Commitments**

1. The commitments in this Final Hearing Report as Appendix A: Cumberland's<sup>1</sup> Commitments from the Final Hearing, are incorporated herein and must be met. In the event of a conflict between

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<sup>1</sup> See Letter dated December 22, 2006 to Mr. Craig Goodings, Cumberland Resources Ltd, from Ms. S. Briscoe, Nunavut Impact Review Board, Re: Meadowbank Mining Corporation.

Appendix A and the Terms and Conditions of the Project Certificate, the Terms and Conditions of the Project Certificate prevail.

**NIRB's Commitment**

2. NIRB will appoint a Monitoring Officer to monitor the Meadowbank Project in accordance with the purpose of a monitoring program pursuant to section 12.7.2 of the NLCA for the full life of the Meadowbank Project, including abandonment and restoration. Subject to direction from NIRB, the responsibilities of the NIRB Monitoring Officer are not to duplicate the IIBA and will include:
  - a. giving direction to regulatory agencies, Cumberland and the Meadowbank Gold Mine Socio-economic Monitoring Committee to supply NIRB with reports and information respecting the Project's operations and impacts and the implementation of mitigative measures;
  - b. conducting a periodic evaluation of the Project monitoring program;
  - c. compiling a report on the adequacy of the monitoring program and on the ecosystemic and socio-economic impacts of the Project; and
  - d. where appropriate, recommending to NIRB reconsideration of Terms and Conditions in accordance with section 12.8.2 of the NLCA.

*Commentary:*

In (a) the "direction" is measured by guidance found in NLCA 12.7.2 and 12.7.3

**Regulatory Requirements (General)**

3. Cumberland must obtain all required federal and territorial permits and other approvals, and shall comply with the requirements of such regulatory instruments.

*Commentary:*

*See Appendix B for a list of required permits and other approvals.*

4. Cumberland shall take prompt and appropriate action to remedy any noncompliance with environmental laws and regulations and/or regulatory instruments, and shall report any non compliance as required by law immediately and report the same to NIRB annually.

*Commentary:*

*Cumberland is advised of the emergency 24 hour spill line for Nunavut 867-920-8130, the INAC general inquires phone number 867-975-4275, KivIA's reporting line 867-645-5725 or 867-793-4468.*

5. Cumberland shall meet with respective licensing authorities prior to the commencement of construction to discuss the posting of adequate performance bonding. Licensing authorities are encouraged to take every measure to require that sufficient security is posted before construction begins. This bonding should not duplicate other amounts of security required (eg. the NWB).

*Commentary:*

*See also Term and Condition 80.*

*See DIAND's Mine Site Reclamation Policy for Nunavut, General Principles on pages 5 and 6.*

*"Prior to the commencement of construction" means before the start of any construction activity, as defined by Cumberland in its application or during the NIRB review, including those activities required to construct the road.*

### **Monitoring Records**

6. All monitoring information collected pursuant to regulatory requirements for the Meadowbank Project shall contain the following information:
  - a. The person(s) who performed the sampling or took the measurements including any accreditations;
  - b. The date, time and place of sampling or measurement, and weather conditions;
  - c. Date of analysis;
  - d. Name of the person(s) who performed the analysis including accreditations;
  - e. Analytical methods or techniques used; and
  - f. Results of any analysis.

#### Commentary:

*Pursuant to the NLCA Section 12.9.8, these are minimum criteria. Standard monitoring methods apply through regulatory instruments. In addition, it is important to note that where the Project Certificate mentions monitoring, this includes baseline monitoring where needed; effects monitoring; and compliance monitoring. See Pg 87 of Final Hearing Report.*

7. Cumberland shall keep and maintain the records, including results, of any monitoring, data, or analysis, for a minimum of the life of the Project, including closure and post-closure monitoring. This time period shall be extended if requested by NIRB, GN, INAC, DFO, EC or the NWB.

### **Water Quality and Waste Management**

#### *General:*

8. Cumberland shall, within 30 days of re-opening of the camp, re-sample existing groundwater monitoring wells and combining the sampling data with existing rounds of groundwater sampling data, re-evaluate the salinity, major ion concentrations, and dissolved metal load of groundwater flowing to the mine pits and incorporate the results into the water quality monitoring and treatment program. At the time samples are taken Cumberland shall also assess the condition of existing groundwater monitoring wells and replace any defective wells. Cumberland shall continue to undertake semi-annual groundwater samples and re-evaluate the groundwater quality after each sample collection. Cumberland shall report the results of each re-evaluation to NIRB's Monitoring Officer, INAC and EC, and incorporate the results of the additional data into the water license application to the NWB.

#### Commentary:

*If weather conditions prevent re-sampling of existing groundwater monitoring wells within 30 days of opening the camp due to the frozen state of the wells, Cumberland shall sample the wells as soon as possible once the wells thaw. Semi annual groundwater sampling is to occur for the life of the project.*

9. Cumberland shall provide detailed plans for water treatment for the tailings (reclaim pond) discharge, and on a contingency basis for the attenuation pond discharge(s) and for the pits, including estimates of treatment efficiency for each parameter of concern and the description of pH adjustments in the water license application to the NWB.

Commentary:

*It is expected that the water treatment as referenced above would include this infrastructure as used in the In-Pit Tailings Disposal Modification Proposal.*

10. Cumberland shall provide details of the camp sewage treatment, including the type of treatment to be used and the expected treatment capabilities, in the water license application to the NWB.
11. Cumberland shall provide details regarding the effluent outfall configuration, including discharge characteristics, the likely behavior of the plume(s), and bathymetric information for Wally Lake in the water license application to the NWB.
12. Cumberland shall provide details of a comprehensive water use and water management plan for the Baker Lake marshalling area, including monitoring of the discharge from the marshalling area sump, in the water license application to the NWB.
13. Cumberland shall not permit the water discharged into Wally Lake and Third Portage Lake to exceed receiving environment discharge criteria established by the NWB or as otherwise required by law.

Commentary:

*See Term and Condition 22*

14. Cumberland shall not remove dewatering dikes until the quality of water contained within them is of sufficient quality to meet receiving environment discharge criteria established by the NWB or as otherwise required by law.
15. Cumberland shall within two (2) years of commencing operations re-evaluate the characterization of mine waste materials, including the Vault area, for acid generating potential, metal leaching and non metal constituents to confirm FEIS predictions, and re-evaluate rock disposal practices by conducting systematic sampling of the waste rock and tailings in order to incorporate preventive and control measures into the Waste Management Plan to enhance tailing management during operations and closure. The results of the re-evaluations shall be provided to the NWB and NIRB's Monitoring Officer.

Commentary

*"Commencing operations" means the start of any operational activity as defined by Cumberland in its' application or during the NIRB review.*

16. N/A-Missed Number
17. Cumberland shall undertake a detailed technical review of all dike and pitwall designs at the final design stage, and submit the final dike designs for water depths of greater than 10 metres for an expert analysis and Cumberland shall include the detailed technical review and the expert analysis in the application to the NWB for a water license.
18. Cumberland shall commit to a pro-active tailings management strategy through active monitoring, inspection, and mitigation. The tailings management strategy will include the review and evaluation of any future changes to the rate of global warming, compliance with regulatory

changes, and the ongoing review and evaluation of relevant technology developments, and will respond to studies conducted during the mine operation.

19. Cumberland shall provide for a minimum of two (2) metres cover of tailings at closure, and shall install thermistor cables, temperature loggers, and core sampling technology as required to monitor tailing freezeback efficiency. Cumberland shall report to NIRB's Monitoring Officer for the annual reporting of freezeback effectiveness.

*Previous Commentary: See page 67 of Final Hearing Report.*

**New Commentary:**

*The reference to "two (2) metres cover of tailings" in this term and condition refers to the rock cover that would be placed over the existing Tailings Storage Facility located at the Meadowbank Gold Mine site. The cover proposed in the In-Pit Tailings Disposal Modification Proposal, is a minimum of eight (8) metres of water cover.*

20. Prior to construction, Cumberland shall identify mitigation measures that can be taken if groundwater monitoring around the tailings facility demonstrates that contamination from tailings has occurred through the fault. Upon drawdown of the North arm of Second Portage Lake, Cumberland shall conduct further tests to assess the permeability of any faults and provide the results to regulators. If doubt remains Cumberland shall seal the fault and conduct further permeability testing and monitoring.

*Previous Commentary: "Prior to construction" means prior to construction (as defined by Cumberland in its application or during the NIRB review) of any component of the Project, including the road.*

**New Commentary:**

*Following completion of the permitting process for the In-Pit Tailings Modification Proposal, the Proponent shall provide an update to the NIRB on any fault identified related to either Portage Pit A, Portage Pit E, and Goose Pit, any plans to address groundwater movement considering any fault, and how potential monitoring would of tailings and groundwater movement would be undertaken to inform management plans.*

**Monitoring:**

21. Cumberland shall fund and install a weather station at the mine site to collect atmospheric data, including air temperature and precipitation.
22. Prior to the commencement of the Project, Cumberland shall fund and install an on site lab that has the capability to monitor parameters at a type and at a frequency acceptable to the NWB and EC at all site discharge points. The results of these analyses, as well as any other water quality monitoring required by regulatory authorities shall be used in the submission of a receiving water assimilative capacity water quality assessment study of concern to regulators. The lab shall be certified for environmental water quality analysis purposes with standards to include the calibration of water quality monitoring instruments. Cumberland shall file proof of application to become accredited upon the request of the NWB.

**Commentary:**

*"Prior to commencement of the Project" means before the start of any activity for any component or phase of the project (including the road component).*

*An assimilative capacity assessment study relies on the establishment of Ecological Quality Objectives that must be met outside of the mixing zones to ensure protection of the receiving environment.*

23. For the purposes of monitoring quality assurance and quality control ("QA/QC"), Cumberland shall ensure that water quality monitoring performed at locations within receiving waters that allow for an assimilative capacity assessment of concern to regulators, be carried out by an independent contractor and submitted to an independent accredited lab for analysis, on a type and frequency basis as determined by the NWB. Results of analysis shall be provided to the NWB and NIRB's Monitoring Officer.

*Commentary:*

*NIRB's preference is for independent, third party sampling. However in the case where MMC collects its own samples, the sampling shall be conducted in accordance with a methodology approved by NWB though a Quality Assurance /Quality Control ("QA/QC") plan and must be submitted to an independent third party laboratory for analysis.*

*Waste management:*

24. Cumberland shall identify an area and design for a landfill for disposal of operational and closure non-salvageable materials, including a list of any nonsalvageable materials, and a procedural manual for preparation of location and placements of these materials, and incorporate the design into the final Waste Management Plan as instructed by the NWB.
25. Cumberland shall manage and control waste in a manner that reduces or eliminates the attraction to carnivores and/or raptors. Cumberland shall employ legal deterrents to carnivores and/or raptors at all landfill and waste storage areas. The deterrents are to be developed taking into consideration Traditional Knowledge and in consultation with the HTO, EC and INAC and incorporated into the final Waste Management Plan prior to filing the Plan with the NWB.

*Commentary:*

*GN-DOE should be included in consultations regarding the use of deterrents for carnivores and raptors.*

26. Cumberland shall ensure that spills, if any, are cleaned up immediately and that the site is kept clean of debris, including wind-blown debris.
27. Cumberland shall ensure that the areas used to store fuel or hazardous materials are contained using safe, environmentally protective methods based on practical, best engineering practices.

*Commentary:*

*MMC is encouraged to consult with EC and GN for expert advice.*

28. Cumberland shall become a signatory to the International Cyanide Management Code, communicate this to shippers, and do so prior to Cumberland storing or handling cyanide for the Project.

### **Project Alternatives and Planned Changes**

29. Cumberland shall report to NIRB if and when Cumberland develops plans for an expansion of the Meadowbank Gold Mine, and in particular if those plans affect the selection of Second Portage Lake as the preferred alternative for tailings management.

#### Commentary:

*"Second Portage Lake" refers to northwest arm of Second Portage Lake. The term "expansion" is to reflect normal impact assessment parameters for that word including space and time.*

30. Cumberland shall meet with EC and the DFO to ensure that the information required for the application to add the northwest arm of Second Portage Lake as a tailings impoundment area under Schedule 2 of the *Metal Mining Effluent Regulations*, including the No Net Loss Plan to offset losses expected as a result of all other Project infrastructure, is complete and the application can be processed according to law.

### **All-Weather Private Access Road**

31. Cumberland shall provide detailed stream crossing design criteria, including consideration of the DFO Operational Statement for Clear-span bridges for all water crossings identified to have fish presence, final crossing designs, site specific mitigation procedures, an effects monitoring program, and a maintenance and closure plan for all water course crossings, to the DFO and the NWB for review and approval.

#### Commentary:

*In addition to DFO and NWB, Include INAC and GN on submissions*

#### Amended Condition #32

32. AEM shall operate the all-weather road as a private access road, and implement all such measures necessary to limit non-mine use of the road to authorized, safe and controlled use by all-terrain-vehicles for the purpose of carrying out traditional Inuit activities. The measures AEM shall undertake include, but are not limited to:
- a. Maintaining a gate and manned gatehouse at kilometre 5 of the Private Access Road;
  - b. In consultation with the Hamlet of Baker Lake, the local HTO, and the KivIA, update the All-weather Private Access Road Management Plan to set out the criteria and processes to authorize and ensure safe and controlled non-mine use of the road by all-terrain-vehicles for the purpose of carrying out traditional Inuit activities, and measure to limit all other non-mine use of the road. The updated Plan is to be submitted to the GN, INAC, and KivIA for approval no later than one (1) month after the approval of revised Condition 32.
  - c. The posting of signs in English and Inuktitut at the gate, each major bridge crossing, and each 10 kilometres of road, stating that unauthorized public use of the road is prohibited;
  - d. The posting of signs in English and Inuktitut along the road route to identify when entering or leaving crown land;
  - e. Prior to opening of the road, and annually thereafter, advertise and hold at least one community meeting in the Hamlet of Baker Lake to explain to the community that the road is a private road with non-mine use of the road limited to approved, safe and controlled use by all-terrain-vehicles for the purpose of carrying out traditional Inuit activities.

- f. Place notices at least quarterly on the radio and television to explain to the community that the road is a private road with non-mine use of road limited to authorized, safe and controlled use by all-terrain-vehicles for the purpose of carrying out traditional Inuit activities.
- g. Record all authorized non-mine use of the road, and require all mine personnel using the road to monitor and report unauthorized non-mine use of the road, and collect and report this data to NIRB one (1) year after the road is opened and annually thereafter; and
- h. Report all accidents or other safety incidents on the road, to the GN, KivIA, and the Hamlet immediately, and to NIRB annually.

Original Condition #32: Cumberland shall operate the all-weather road as a private access road, and implement measures to limit public access to the road, including:

- a. The installation of locked gates at bridges 1 and 4;
- b. The posting of signs in English and Inuktitut at each gate, each major bridge crossing, and each 10 kilometres of road, stating that public use of the road is prohibited;
- c. The posting of signs in English and Inuktitut along the road route to identify when entering or leaving crown land;
- d. Prior to the opening of the road, advertise and hold at least one community meeting in the Hamlet of Baker Lake to explain to the community that the road is restricted to mine use only;
- e. Place notices on the radio and television to inform the residents of the Hamlet of Baker Lake that the road is restricted to mine use only;
- f. Require all mine personnel using the road to monitor and report unauthorized non-mine use of the road, and collect and report this data to NIRB one (1) year after the road is opened and annually thereafter; and
- g. Report any information received, including accidents or other safety incidents on the road, including the locked gates, to the GN, KivIA, and the Hamlet immediately, and to NIRB annually.

33. Cumberland shall update the Access and Air Traffic Management Plan to:

- a. include an All-weather Private Access Road Management Plan, including a right-of-way policy developed in consultation with the KivIA, GN, INAC and the Hamlet of Baker Lake, for the safe operation of the all-weather private access road; and
- b. to facilitate monitoring of the environmental and socio-economic impacts of the private road and undertake adaptive management practices as required, including responding to any concerns regarding the locked gates.

34. Cumberland shall, in consultation with the Hamlet of Baker Lake, KivIA, and the Royal Canadian Mounted Police, facilitate the hiring of a full-time road safety, search and rescue position to respond to safety matters arising from mine and unauthorized non-mine use of the all-weather private access road, including consulting with Baker Lake and Chesterfield Inlet Elders to incorporate Traditional Knowledge into search and rescue operations.

Commentary:

In coordination with CGS - Manager of Emergency Services, Community & Government Services (867) 975-5403, [sbailliecgsgov.nu.ca](mailto:sbailliecgsgov.nu.ca).

*Given the 24 hour operation of the project, it may be necessary to have more than one position.*

35. Cumberland shall reclaim the all-weather private access road at the end of the mine life to prevent any future use of the road, including scarification of the road and restoration of the natural hydrology, topography, and vegetation, subject only to Cumberland and/or its successor seeking NIRB Article 12 approval for the road to be maintained and operated beyond the life of the mine.

#### **Marine Environment**

36. Cumberland shall ensure the placement of local area marine mammal monitors onboard all vessels transporting fuel or materials for the Project through Chesterfield Inlet.
37. Cumberland will contract only Transport Canada certified shippers to carry cargo for the Project, and will require shippers transporting cargo through Chesterfield Inlet to carry the most up-to-date emergency response/spill handling equipment as recommended and accepted by the Government of Canada with the crew trained to deploy the equipment, including practice drills deploying spill equipment in remote locations within the Inlet.

#### *Commentary:*

*Shippers are responsible for training the crew. KIA and Chesterfield Inlet should be notified when a practice drills is to be undertaken.*

*An operating commercial vessel without Transport Canada certification is in violation of the Canadian Shipping Act (CSA).*

38. Cumberland shall make every reasonable effort to minimize the number of ships and barges transporting cargo for the Project, and require shippers transporting cargo for the Project through Chesterfield Inlet to be operated in accordance with safe shipping management policies, including using Canadian Hydrographic Service published detailed marine charts and nautical instructions, and be fitted with modern state-of-the-art navigation equipment.

#### *Commentary:*

*Vessel numbers are not regulated. Certified vessels must be compliant with Canada Shipping Act.*

39. Within three (3) months of contracting with a shipping company to transport cargo to the Project through Chesterfield Inlet and prior to the commencement of shipping, Cumberland shall advertise and hold a community information meeting in Chesterfield Inlet to fully discuss the shipping program for the Project. Thereafter, Cumberland shall annually advertise and hold a community information meeting in Chesterfield Inlet to report on the Project and to hear from Chesterfield Inlet residents and respond to concerns. A consultation report shall be submitted to NIRB's Monitoring Officer within one month of the meeting.
40. Cumberland shall gather Traditional Knowledge from the local HTOs and conduct a minimum of a one-day workshop with residents of Chesterfield Inlet to more fully gather Traditional Knowledge about the marine mammals, cabins, hunting, and other local activities in the Inlet. Cumberland shall report to KivIA and NIRB's Monitoring Officer annually on the Traditional Knowledge gathered including any operational changes that resulted from concerns shared at the workshop.

Commentary:  
*Copy DFO on result.*

41. Subject to vessel and human safety considerations, Cumberland shall require shippers carrying cargo to the Project through Chesterfield Inlet to follow the following mitigation procedures in the event that marine mammals are in the vicinity of the shipping activities:
- Wildlife will be given right of way;
  - Ships will maintain a straight course, constant speed, and will avoid erratic behaviour; and
  - When marine mammals appear to be trapped or disturbed by vessel movements, the vessel will stop until the mammals have moved away from the area.

Commentary:  
*Transport Canada - Marine Safety only regulates ship maneuvers made to avoid collisions with other ships.*

*(a) Wildlife means marine mammals. GN is responsible for polar bears.*

42. Cumberland shall ensure all fuel transfer operations take place in accordance with the *Arctic Waters Pollution Prevention Act* and relevant oil transfer guidelines.

Commentary:  
*Canada Shipping Act is applicable if an Oil Handling Facility (OHF) is operated by Cumberland. Transport Canada - Marine Safety would deal directly with the Shipper on issues related to oil transfers.*

43. Lightering activities at Helicopter Island are not approved, except in case of emergency only, and in such case Cumberland shall explain why all other methods were not practical, meaning technically, logistically, and financially not feasible.
44. Within one (1) month of contracting with a shipper, Cumberland shall submit a comprehensive Spill Contingency and Emergency Response Plan to regulatory authorities.

Commentary:  
*Copies of plan should be submitted to EC, TC, GN, DFO, and NWB Transport Canada - Marine Safety will require an Oil Pollution Emergency Plan for any Oil Handling Facility operated by Cumberland.*

45. Cumberland shall carry, and require contracted shippers to carry adequate insurance to fully compensate losses arising from a spill or accident, including but not limited to the loss of resources arising from the spill or accident. Any claims are to be reported to proper officials with a copy to NIRB's Monitoring Officer.

Commentary:  
*Certified vessels must be compliant with Canada Shipping Act (CSA) and the Arctic Waters Pollution Prevention Act (AWPPA).*

#### **Fish and fish-habitat**

46. Cumberland shall apply for *Fisheries Act* approval for the freshwater intake pipe for the Project, and submit for DFO approval a detailed plan of the proposed intake, including siting, design of

intake screens in accordance with the DFO Freshwater End-of-Pipe Fish Screen Guidelines, construction and operation considerations, fish and fish habitat impacts, and mitigation and monitoring plans.

47. Cumberland shall develop an adaptive approach to managing the water flow from Third Portage Lake, including the consideration of alternatives to deepening the easternmost channel; submission of detailed design of the easternmost channel modifications; a monitoring program for channel erosion, verification of the maintenance of water levels in Third Portage Lake, and the success of fish habitat enhancements; and contingencies in the event of channel failure, for approval by the DFO.

~~48. Cumberland shall demonstrate to the satisfaction of the DFO that the water management framework, including the embankment details and diversion ditch, will permit the maintenance of over-wintering fish habitat in Phaser Lake through the life of the Project.~~

<b>Term and Condition No.</b>	<b>49</b>
<b>Category:</b>	Fish and Fish Habitat
<b>Responsible Parties:</b>	The Proponent
<b>Project Phase:</b>	Construction
<b>ORIGINAL Term or Condition:</b>	Cumberland shall develop, implement and report on the fish-out programs for the dewatering of Second Portage Lake, Third Portage Lake and Vault Lake. This must be done in consultation with the DFO, Elders and the HTOs, and in a manner that optimizes the acquisition of northern fisheries science and augments baseline fisheries data to support monitoring programs and the final design of fish habitat compensation for the Project.
<b>REVISED Term or Condition:</b>	<b>Agnico Eagle Mines Ltd.</b> shall develop, implement and report on the fish-out programs for the dewatering of Second Portage Lake, Third Portage Lake, Vault Lake <b>and Phaser Lake</b> . This must be done in consultation with the DFO, Elders and the HTOs, and in a manner that optimizes the acquisition of northern fisheries science and augments baseline fisheries data to support monitoring programs and the final design of fish habitat compensation for the Project.
<b>Reporting Requirements</b>	Results of the fish-out programs should be provided in the annual report to the NIRB.

*Commentary: the NIRB has developed updated formats for the Project Certificate terms and conditions since the original Project Certificate was issued to better convey the intent and context of the requirement. The terms and conditions that the Board has amended to apply to the Vault Pit Expansion Project reflect this updated approach. Consequently, this amended term and condition reflects the direction provided by the Board to provide further details regarding the responsible parties, project phase, objective, and reporting requirement associated with the amended term and condition.*

*"Second Portage Lake" refers only to the northwest arm of Second Portage Lake.*

50. Cumberland shall, in consultation with the DFO, undertake to prevent the barge landing facility from infilling of fish habitat, including considering using geotextile material in a manner that is capable of maintaining bottom substrate for benthic invertebrates and fish.

51. Cumberland shall engage the HTOs in the development, implementation and reporting of creel surveys within waterbodies affected by the Project to the GN, DFO and local HTO.

52. Cumberland shall enforce a no-fishing policy for employees while working on the job site.

Commentary:

"Employees" refers to all mine workers.

<b>Term and Condition No.</b>	<b>53</b>
<b>Category:</b>	Fish and Fish Habitat
<b>Responsible Parties:</b>	The Proponent
<b>Project Phase:</b>	Construction and Operations
<b>ORIGINAL Term or Condition:</b>	Cumberland shall, in consultation with the HTOs and DFO, develop a Fish Habitat Monitoring Plan, including augmenting baseline fisheries data in the period prior to operation, with the clear objective of demonstrating the success of the No Net Loss Plan approved by the DFO.
<b>REVISED Term or Condition:</b>	<b>Agnico Eagle Mines Ltd.</b> shall, in consultation with the HTOs and DFO, develop a Fish Habitat Monitoring Plan, including augmenting baseline fisheries data in the period prior to operation, with the clear objective of demonstrating the success of the No Net Loss Plan approved by the DFO. <b><u>The Fish Habitat Monitoring Plan should include Phaser Lake.</u></b>
<b>Reporting Requirement</b>	The updated plan should be provided to the NIRB for review at least 30 days prior to commencement of construction activities. Results from the fisheries baseline data to be provided in the annual report to the NIRB.

Commentary: the NIRB has developed updated formats for the Project Certificate terms and conditions since the original Project Certificate was issued to better convey the intent and context of the requirement. The terms and conditions that the Board has amended to apply to the Vault Pit Expansion Project reflect this updated approach. Consequently, this amended term and condition reflects the direction provided by the Board to provide further details regarding the responsible parties, project phase, objective, and reporting requirement associated with the amended term and condition.

### Wildlife and Terrestrial

54. Cumberland shall provide an updated Terrestrial Ecosystem Management Plan, to the GN, EC and INAC, within three (3) months of the issuance of the Project Certificate including:

- Updated terrestrial ecosystem baseline data;
- Details of the method and rationale for conducting monitoring surveys prior to the commencement of construction;
- Statistical validation to support the conclusions drawn from monitoring impacts of the mine and infrastructure on wildlife;
- A detailed analysis of the method of distinguishing between cow/calf groups from other caribou group observations;
- Details of a comprehensive hunter harvest survey to determine the effect on ungulate populations resulting from increased human access caused by the all-weather private access road, including establishing preconstruction baseline harvesting data, to be developed in consultation with local HTOs, the GN-DOE and the Nunavut Wildlife Management Board;

- f. Details of annual aerial surveys to be conducted to assess waterfowl densities in the regional study area during the construction phase and for at least the first three (3) years of operation, with the data analyzed and compared to baseline data to determine if significant effects are occurring and require mitigation.
- g. Details of an annual breeding bird plot surveys and transects along the all-weather road to be conducted during the construction phase and for at least the first three (3) years of operation.
- h. Details of a monitoring program, including recording the locations and frequency of observing caribou and carnivores and any actions taken to avoid contact with or disturbance, and a specific mitigation plan for Shortearred owls and any other species of special concern pursuant to Schedule 3 of the *Species at Risk Act* located in the local study area or along the all-weather private access road,

Commentary:

*TEMP should be a stand-alone document which provides direction and methods in regard to how the wildlife monitoring should be conducted. Baseline data collected should be submitted in the annual Wildlife Summary Monitoring Report.*

*(a) This should also be included in Wildlife Summary Monitoring Report*

*(e) See Term and Condition 33*

*(f) This should also be included in Wildlife Summary Monitoring Report. See Term and Condition 61 and 62f*

*(g) See Term and Condition 33. This should also be included in Wildlife Summary Monitoring Report*

55. Cumberland shall provide the following analysis in the March 2007 Wildlife Summary Monitoring Report:

- a. Further review and analysis of the size of the regional study area;
- b. A summary of the involvement of Inuit in the monitoring program;
- c. A detailed report of the natural variability of VECs in the region;
- d. A detailed analysis on distribution and abundance of cows, bulls, and calves;
- e. Results of the 2006 monitoring program, including field methodologies and statistical approaches used to support conclusions drawn;
- f. Any proposed changes to the TEMP survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program.

Commentary:

*See page 87 of Final Hearing Report. Annual Wildlife Monitoring results submitted must include baseline monitoring; effects monitoring; and compliance monitoring.*

*Wildlife VECs include those assessed by Cumberland during the review*

*(e) Data includes 2006 and before*

56. Cumberland shall plan, construct, and operate the mine in such a way that caribou migration paths through the Project, including in the narrows west of Helicopter Island, are protected. Maps of caribou migration corridors shall be developed in consultation with Elders and local HTOs, including Chesterfield Inlet and placed in site offices and upgraded as new information on

corridors becomes available. Information on caribou migration corridors shall be reported to the GN, KivIA and NIRB's Monitoring Officer annually.

57. Cumberland shall participate in a caribou collaring program as directed by the GN-DOE.

Commentary:

*Anticipate that a Memorandum of Understanding will be drafted between GN and MMC.*

58. Cumberland shall, in consultation with Elders and the HTOs and subject to safety requirements, design the lighting and use of lights at the mine site to minimize the disturbance of lights on sensitive wildlife and birds.

59. Cumberland shall, in consultation with Elders and the HTOs, design and implement means of deterring caribou from the tailing ponds, such as temporary ribbon placement or Inukshuks, with such designs not to include the use of fencing.

60. Whenever practical, Cumberland shall implement a stop work policy when wildlife in the area may be endangered by the work being carried out.

61. In consultation with EC, Cumberland shall incorporate into the Terrestrial Ecosystem Management Plan and the Air Traffic Management Plan a commitment for aircraft to maintain (whenever possible) a cruising altitude of at least 610 metres during point to point travel when in areas likely to have migratory birds, and 1000 metres vertical and 1500 metres horizontal distance from observed concentrations of migratory birds, and use flight corridors to avoid areas of significant wildlife importance.

Commentary:

*Condition 61 should be read together with Term and Condition 62 F. "Whenever possible" refers to take offs and landings, and is always subject to pilot discretion regarding aircraft and human safety. Significant wildlife includes ungulates, raptors, predatory mammals, and migratory birds.*

**Noise**

62. Cumberland shall develop and implement a noise abatement plan to protect people and wildlife from significant mine activity noise, including blasting, drilling, equipment, vehicles and aircraft. The noise abatement plan will be developed in consultation with Elders, GN, HC, and EC and include:

- a. The use of sound meters to monitor sound levels in and around the mine site, including workers' on-site living /sleeping quarters and any summer camps adjacent to the site, and in the local study area, with the locations and design of the sound meters selected in consultation with HC and EC. Sound meters are to be set up immediately upon issuance of the Project Certificate for the purpose of obtaining baseline data, and monitoring during and after operations;
- b. The establishment of strict standards for noise levels, such as the World Health Organization's Community Noise Guidelines threshold level for sleep disturbance;
- c. Restrictions on blasting and drilling when migrating caribou, or sensitive local carnivores or birds may be affected;
- d. The use of noise attenuation devices for equipment and vehicles;
- e. The use of temporary solid fences or berms around noisy machines or sites when practical; and

- f. Require (with the exception of take off and approach for landing), a minimum flight altitude of 610 metres above ground when flights to and from the mine site are passing sensitive wildlife and bird areas.

The noise abatement plan shall be filed with NIRB's Monitoring Officer within six (6) months of the issuance of the Project Certificate.

Commentary:

*Read together with Term and Condition 61. Expect MMC to demonstrate how it intends to communicate this direction to the pilot.*

**Socio-economic**

63. Within six (6) months of the issuance of a Project Certificate, the GN and INAC shall form a Meadowbank Gold Mine Socio-Economic Monitoring Committee ("Meadowbank SEMC") to monitor the socio-economic impacts of the Project and the effectiveness of the Project's mitigation strategies. The monitoring shall supplement, not duplicate, the monitoring required pursuant to the IIBA negotiated for the Project, and on the request of Government or NPC, could assist in the coordination of data collection and tracking data trends in a comparable form to facilitate the analysis of cumulative effects. The terms of reference shall focus on the Project, include a plan for ongoing consultation with KivIA and affected local governments and a funding formula jointly submitted by GN, INAC and Cumberland. The terms of reference shall be submitted to NIRB for review and subsequent direction within six (6) months of the issuance of a Project Certificate. Cumberland is entitled to be included in the Meadowbank SEMC.

Commentary:

*Efforts to prevent duplication shall be consistent with NLCA 12.7.5*

64. Cumberland shall work with the GN and INAC to develop the terms of reference for a socio-economic monitoring program for the Meadowbank Project, including the carrying out of monitoring and research activities in a manner which will provide project specific data which will be useful in cumulative effects monitoring (upon request of Government or NPC) and consulting and cooperating with agencies undertaking such programs. Cumberland shall submit draft terms of reference for the socio-economic monitoring program to the Meadowbank SEMC for review and comment within six (6) months of the issuance of a Project Certificate, with a copy to NIRB's Monitoring Officer.

Commentary:

*See Term and Condition 63.*

65. Cumberland shall include in its socio-economic monitoring program for the Meadowbank Project the collection and reporting of data of community of origin of hired Nunavummiut.

**Human Health**

66. Cumberland shall establish a nursing station and hire a registered on-site nurse.

Commentary:

*This condition is in addition to requirements in Section 15 of the Public Health Act.*

67. Cumberland shall develop and implement a program to monitor contaminant levels in country foods in consultation with HC. A copy of the plan shall be submitted to NIRB's Monitoring Officer.

Commentary:

*Cumberland is encouraged to consult with the Niqiit Avatittinni Committee (NAC) regarding this research. The NAC is co-chaired by INAC and the GN and includes members from NTI, ITK, and NRI*

68. Cumberland shall, in consultation with Elders, local HTOs and the Meadowbank Gold Mine SEMC, demonstrate that they are working toward incorporating Inuit societal values into mine operation policies.

**Archaeology**

69. Cumberland shall carry out the Project to minimize the impacts on archeological sites, including conducting proper archeological surveys of the Project area (including the all-weather road and all quarry sites). Cumberland shall provide to the GN an updated baseline report for archeological sites in the Project area, including:
- a. referencing of sites as directed by the GN,
  - b. the process used for age determinations of archeological sites, and
  - c. the specific measures being taken to avoid listed sites, and
  - d. the monitoring that will take place, to the GN prior to the commencement of construction.

Commentary:

*(b) Re-evaluation of currently identified archaeological sites would be expected. The definition of archaeological sites can be found in the Nunavut Archaeological and Palaeontological Site Regulation.*

70. Cumberland shall report any archeological site discovered during the course of construction, including a burial site, immediately and concurrently to the GN and KivIA. Upon discovering an archeological site, Cumberland shall take all reasonable precautions necessary to protect the site until further direction is received from the GN. In the event that it becomes necessary to disturb an archaeological site, Cumberland shall consult with Elders, GN and KivIA to establish a site specific mitigation plan, and obtain all necessary authorizations and comply with all applicable laws.

Commentary:

*Consultation should include the Inuit Heritage Trust.*

**Air Quality**

71. Cumberland shall, in consultation with EC, install and fund an atmospheric monitoring station to focus on particulates of concern generated at the mine site. The results of air-quality monitoring are to be reported annually to NIRB.

Commentary:

*Particulates of concern should include Total Suspended Particulates (TSP), and PM10 (Particulate Matter less than 10 microns in size) and PM2.5 (particulate matter less than 2.5 microns in size).*

72. On-site incinerators shall comply with Canadian Council of Ministers of Environment and Canada-Wide Standards for dioxins and furan emissions, and Canada-wide Standards for mercury emissions, and Cumberland shall conduct annual stack testing to demonstrate that the on-site incinerators are operating in compliance with these standards. The results of stack testing shall be contained in an annual monitoring report submitted to GN, EC and NIRB's Monitoring Officer.
73. Cumberland shall undertake to conserve the Project's use of energy, monitor the Project's greenhouse gas emissions, and continuously review and, if possible, consider for adoption new technologies to ensure greenhouse gases meet the latest Canadian standards or criteria.

Commentary:

*Function of NIRB's Monitoring Officer*

74. Cumberland shall employ environmentally protective techniques to suppress any surface road dust.

Commentary:

*CaCl is listed as a toxic substance by the Canadian Environmental Protection Act.*

**Accidents and malfunctions**

75. Cumberland shall provide a complete list of possible accidents and malfunctions for the Project. It must consider the all-weather road, shipping spills, cyanide and other hazardous material spills, and pitwall/dikes /dam failure, and include an assessment of the accident risk and mitigation developed in consultation with Elders and potentially affected communities.

Commentary:

*Refer to pg 68 of the Final Hearing Report.*

*Any Oil Handling Facility (OHF) operated by Cumberland is required to provide an Oil Pollution Emergency Plan (OPEP) dealing with contingencies for various oil spill scenarios.*

76. Cumberland shall develop an "Early Warning Monitoring Program" along the east boundary of the Project's local study area (mine and road) including the location where Third Portage Lake flows into Tehek Lake. The "Early Warning Monitoring Program" shall discuss how the communities of Baker Lake and Chesterfield Inlet will be actively involved and shall be submitted to NIRB's Monitoring Officer for review prior to Project construction. If adverse effects from the project to any VEC are detected along this boundary, then Cumberland shall notify the NIRB's Monitoring Officer for determination as to whether and to what extent additional monitoring is required.

Commentary:

*The Early Warning Monitoring Program applies to all VECs*

77. Cumberland shall as soon as possible, review and coordinate its Emergency Response Plan with the emergency response plans of the Hamlets of Baker Lake and Chesterfield Inlet.

## **Abandonment and Reclamation**

78. Cumberland shall file a complete Closure and Reclamation Plan developed to comply with INAC's policy of full cost of restoration and any related NWB requirements such that the Inuit and taxpayers are not liable for any cost associated with the cleanup, modification, decommission, or abandonment.
79. In addition to the NWB's requirements, the final Closure and Reclamation Plan shall require Cumberland to:
- a. Ensure that mine facilities and infrastructure are abandoned in such a manner that:
    - i. The Project site is physically stable and any requirements for long term maintenance and monitoring are minimized;
    - ii. Threats to public safety and wildlife are eliminated; and
    - iii. Affected areas are returned to the original undisturbed conditions to the fullest extent possible.
  - b. Prevent continuing impacts from contaminants and wastes on the environment including those associated with acid rock drainage;
  - c. Remove all hazardous materials and waste and as much salvageable waste as practicable from the Project area; and
  - d. Enter into written arrangements with its abandonment and reclamation contractors to ensure all site debris is cleaned up off the lands, including wind-blown debris.
80. Cumberland shall file annually with NIRB's Monitoring Officer an updated report on progressive reclamation and the amount of security posted, as required by KivIA, INAC, and/or the NWB.

## **Other**

81. Beginning with mobilization, and for the life of the Project, Cumberland shall provide full 24 hour security, including surveillance cameras and a security office at the Baker Lake storage facility/marshalling area, and take all necessary steps to ensure the safe and secure storage of any hazardous or explosive components within the Hamlet of Baker Lake boundaries.
82. Cumberland shall monitor the ingress/egress of ship cargo at Baker Lake and report any accidents or spills immediately to the regulatory agencies as required by law and to NIRB's Monitoring Officer annually.

### **Commentary:**

*Ingress/egress of ship cargo is not monitored by Transport Canada - Marine Safety (MS). MS requires reports from any Oil Handling Facility operated by Cumberland. MS would deal directly with the Shipper on issues relating to accidents and spills.*

83. Cumberland shall ensure that the explosive mix-truck is only used to mix diesel and ammonia nitrate to form an explosive only at the blast site, and that when the explosive mix-truck is not in use it is stored with the strictest setback requirements as required or recommended by NRCan.
84. To the extent permitted by the IIBA, and when the assets are no longer required by Cumberland, Cumberland shall offer the Hamlet of Baker Lake the first right of refusal to purchase salvageable mine assets located within the Hamlet of Baker Lake boundaries.
85. Cumberland shall develop a detailed blasting program to minimize the effects of blasting on fish and fish habitat, water quality, and wildlife and terrestrial VECs. The Blasting Program shall be developed in consultation with the DFO and GN, and shall:

- a. comply with the *Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters* (Wright and Hopky, 1998) as modified by the DFO for use in the north;
- b. including a monitoring and mitigation plan to be developed in consultation with the DFO, and obtain DFO approval of the blasting program prior to the commencement of blasting;
- c. restrict blasting when migrating caribou, or sensitive local carnivores or birds may be negatively affected; and
- d. minimize the use of ammonium nitrate to reduce the effects of blasting on receiving water quality.

#### **Duty to Comply**

86. Cumberland shall comply with all Terms and Conditions of this approval, and any non-compliance constitutes a violation of the approval and is grounds for NIRB's reconsideration and recommendation to the Minister under Article 12, Part 8 of the NLCA.

<b>Term and Condition No.</b>	<b>87 New condition for In-Pit Tailings Disposal Modification</b>
<b>Category:</b>	Monitoring/Water Quality and Waste Management
<b>Responsible Parties:</b>	The Proponent, Nunavut Water Board
<b>Project Phase:</b>	Operations, Closure and Post Closure Monitoring
<b>Objective:</b>	To mitigate the risk of a contaminant pathway between the tailings and the Second and Third Portage Lakes and to address the limitations associated with current hydrogeological modelling and related data gaps.
<b>Term or Condition:</b>	The Proponent shall, prior to the deposition of tailings into the Portage or Goose Pits, file with the Nunavut Water Board (NWB) a report containing updated hydrogeological modelling addressing information gaps as per the NIRB recommendation in the Reconsideration Report and Recommendations to the satisfaction of the NWB. The Proponent shall not deposit tailings into the Portage or Goose pits until the Water Board is satisfied that the modelling addresses the specific information gaps, and that the proponent can manage any identified risks with existing designs and feasible management strategies.
<b>Reporting Requirements:</b>	The Proponent shall file a report with the Nunavut Water Board, containing updated hydrogeological modelling addressing information gaps, prior to the deposition of tailings into the Portage or Goose pits. Confirmation of the report's filing, conclusions of this report, and any further updates to reporting requirements shall be provided to the NIRB in Agnico Eagle's Annual Report for the project.

## **APPENDIX A – List of Commitments**

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## **Appendix B - List of Legislation and Authorizations**

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## **Appendix C - Regulatory Involvement with Conditions and Commitments**

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## Appendix D - Monitoring Program

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